IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29704 of 2007(J)

PETITIONER:

SEBASTIAN ELIYAS, S/O.ELIYAS,
AGED 34 YEARS, KUZHIMANNIL HOUSE,
CHIRAYIRAMBU, P.O.MARAMON, THIRUVALLA,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENTS:

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1. **DISTRICT COLLECTOR, COLLECTORATE,**
   PATHANAMTHITTA DISTRICT.

2. **SECRETARY, KOIPURAM GRAMA PANCHAYAT,**
   KOIPURAM, KOZENCHERRY TALUK, PATHANAMTHITTA,
   PATHANAMTHITTA DISTRICT.

3. **SUB INSPECTOR OF POLICE, KOIPURAM**
   POLICE STATION, KOZHENCHERRY TALUK,
   PATHANAMTHITTA DISTRICT.

BY GOVERNMENT PLEADER SRI. I.V PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ANTONY DOMINIC,J.

W.P (C) No.29704 of 2007

Dated this the 9th October, 2007

J U D G M E N T

It is stated that the petitioner's vehicle has been seized on 11.5.2007 on the allegation that it was involved in the unauthorised transportation of river sand. Complaining that there is inordinate delay in finalising the proceedings petitioner seeks an order to direct the respondents to release the vehicle.

2. Since the proceedings have to be completed by the District Collector, I do not think it proper to direct release of the vehicle at this stage.

3. However, I direct that the 1st respondent shall finalise the proceedings against the petitioner in terms of Rule 27 of the Rules framed under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001, within ten days on receipt of a copy of this judgment.

4. If there is inordinate delay in finalising the matter, the petitioner will be at liberty to apply to the 1st respondent for interim custody of the vehicle, in which case, the application will be considered and orders passed thereon.

Petitioner shall produce a copy of this judgment before the 1st respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007